

**Appln No. 10/719,614**  
**Amdt date October 16, 2007**  
**Reply to Office action of August 16, 2007**

**REMARKS/ARGUMENTS**

In the Final rejection dated August 16, 2007, the examiner objected to the amendment filed on June 6, 2007 in which applicant amended the specification to recite surface roughnesses measured in micrometers. In so objecting, the examiner asserts that applicant's amendments introduce new matter because one of ordinary skill in the art would not conclude that the surface roughness is measured in micrometers rather than microinches or nanometers. While applicant disagrees with the examiner's position, applicant notes that both priority documents submitted on November 21, 2003 provide support for the recitation that surface roughnesses are measured in micrometers, as can be seen in the certified English translations of those documents submitted with this response. For example, claims 5-7 and 19-21 of Korean Patent Application No. 10-2002-0073961, and claims 5-7 and 19-21 of Korean Patent Application No. 10-2003-0003978 each recite a surface roughness measured in micrometers. As the priority documents provide support for the amendments made on June 6, 2007, no new matter has been added, and applicant respectfully requests withdrawal of this objection.

The examiner also rejected claims 16-22 and 24-30 under 35 U.S.C. §112, first paragraph as allegedly not enabled, and under 35 U.S.C. §112, second paragraph as allegedly indefinite. In making these rejections, the examiner asserts that surface roughness units are not enabled because they are not included in the specification, and that the lack of units for the surface roughness renders the claims indefinite because one of ordinary skill in the art would not be able to conclude by what units the surface roughness is measured. However, by this amendment, applicant has amended claims 16 to recite that the surface roughness is measured in micrometers, and therefore submits that the claims are definite. Applicant previously amended the specification to provide explicit support for the surface roughness being measured in micrometers, which amendments do not constitute an addition of new matter as discussed above.

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Accordingly, the specification fully enables claims 16-22 and 24-30. Applicant therefore respectfully requests withdrawal of these rejections.

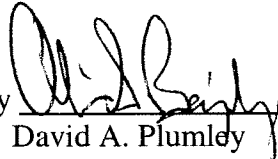
Turning to the rejections based on prior art, the examiner rejected claims 16-22 and 24-30 under 35 U.S.C. §103(a) as allegedly obvious over Gorkovenko, et al. (U.S. Patent No. 6,210,831) in view of Kuwana, et al. (U.S. Patent No. 4,541,905). In making this rejection, the examiner argues that because no units are expressed for the measurement of the surface roughness, one of ordinary skill in the art would predict a surface roughness in Kuwana and Gorkovenko that is similar to the surface roughness of the electrode recited in the present claims due to a similarity in particle size. Office action, page 7. However, as noted above, applicant has amended independent claim 16 to recite a surface roughness measured in micrometers. Neither Gorkovenko nor Kuwana recite a surface roughness within the claimed range. Moreover, positive electrodes with surface roughnesses within the claimed range exhibit unexpected and desirable results, as discussed in applicants June 6, 2007 response. Specifically, electrodes with surface roughness values within the claimed range decrease interfacial resistance, causing decreases in the internal resistance of the battery. In addition to increasing the capacity, the cycle life is increased from 60% to 91%. Specification, page 30 line 14 to page 31, line 7. Given that independent claim 16 now recites units for the surface roughness, that neither Kuwana nor Gorkovenko disclose a positive electrode having a surface roughness within the recited range, and that electrodes with surface roughnesses within the recited range exhibit unexpected and desirable results, independent claim 16, and all claims dependent therefrom, including claims 17-22 and 24-30, are allowable over Gorkovenko and Kuwana.

Claims 16-22 and 24-30 remain pending in this application, with claims 1-15 withdrawn from consideration. By this amendment, applicant has amended claim 16 to place the claims in condition for allowance. The amendment finds full support in the original specification, claims and drawings, as discussed above. No new matter is presented. In light of the above amendments and remarks, applicant submits that all of pending claims 16-22 and 24-20 are in condition for allowance. Applicant therefore respectfully

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requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, applicant invites the examiner to contact applicant's counsel at the number indicated below.

Respectfully submitted,  
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